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PATENT APPLICATION
Docket No: 10237.7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement. Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form PTO-1449 list of five (5) references submitted for consideration.
- ☒ Legible copies of the listed references or their relevant portions.
- ☐ All English translations of each nonenglish reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- ☐ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.

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___ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified prior application _____, filed on _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

___ Promptness Certification.

___ Check No. _____ in the amount of \$ _____ constituting submission fee -- see 37 C.F.R. § 1.17(p)

___ Petition for Consideration and Check No. _____ in the amount of \$ _____ -- see 37 C.F.R. § 1.17(i)(1).

X In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Promptness Certification meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 500843 of the undersigned.

DATED this 28 day of October 2003.

Respectfully submitted,



Michael F. Krieger
Attorney for Applicant
Registration No. 35,232

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1000 Eagle Gate Tower
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Facsimile: (801) 321-1707



PATENT APPLICATION
Docket No: 10237.7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Eddie M. Schwalb)
)
)
Serial No.:	09/923,928) Art Unit
) 2819
Confirmation No.:	4537)
)
Filed:	August 7, 2001)
)
For:	SOFTWARE APPLIANCE)
	METHOD AND SYSTEM)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which

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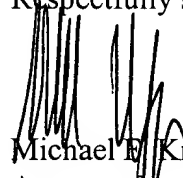
the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Please credit any over payment or charge any additional fees to Deposit Account No. 500843 of the undersigned.

Dated this 28 day of October, 2003.

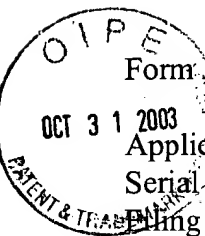
Respectfully submitted,



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Form PTO-1449

Sheet 1 of 2

Applicant:

Eddie M. Schwalb

Serial No.:

09/923,928

Filing Date:

August 7, 2001

For:

SOFTWARE APPLIANCE METHOD AND SYSTEM

Conf. No. 4537

Att'y Docket No. 10237.7

Group: 2819

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

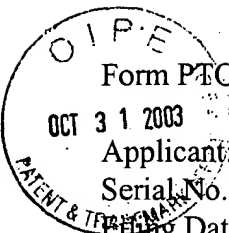
<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____ A1.	6,126,546	10/03/00	Reed et al.	463	40	07/13/99
_____ A2.	6,128,650	10/03/00	De Vos et al.	709	217	03/28/96
_____ A3.	6,134,376	10/17/00	Lee et al.	386	46	08/12/97
_____ A4.	6,141,003	10/31/00	Chor et al.	345	327	03/18/97
_____ A5.	6,141,530	10/31/00	Rabowsky	455	3.1	06/15/98

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Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Form PTO-1449

Sheet 2 of 2

Applicant:

Eddie M. Schwalb

Serial No.:

09/923,928

Filing Date:

August 7, 2001

For:

SOFTWARE APPLIANCE METHOD AND SYSTEM

Conf. No. 4537

Att'y Docket No. 10237.7

Group: 2819

Prior Art Cited by Applicants

While the filing of prior art statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper prior art statement, Form PTO-1449 shall be accompanied by an explanation of relevance of each listed item, a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all prior art citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as prior art cited by the Examiner on Form PTO-892.

The reference designations "A1", "A2", etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A", "B", "C", etc. on Office Action Form PTO-1142.

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